

Solicitation # CFSA-04-R-0003  
Transportation Services

**PART IV– REPRESENTATIONS AND INSTRUCTIONS**

**SECTION K**

**REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF  
OFFERORS**

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**SECTION K:**

**REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF  
OFFERORS**

**K.1 CERTIFICATION REGARDING A DRUG-FREE WORKPLACE (JULY 1990):**

**K.1.1** Definitions. As used in this provision:

- K.1.1.1** **Controlled substance:** means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined in regulation at 21 CFR 1308.11 - 1308.15.
- K.1.1.2** **Conviction:** means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
- K.1.1.3** **Criminal drug statute:** means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, possession or use of any controlled substance.
- K.1.1.4** **Drug-free workplace:** means the site(s) for the performance of work done by the Contractor in connection with a specific contract at which employees of the Contractor are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.
- K.1.1.5** **Employee:** means an employee of a Contractor directly engaged in the performance of work under a Government contract. "Directly engaged" is defined to include all direct cost employees and any other Contractor employee who has other than a minimal impact or involvement in contract performance.
- K.1.1.6** **Individual:** means an Offeror/Contractor that has no more than one employee including the Offeror/Contractor.

**K.1.2** By submission of its offer, the Offeror, if other than an individual, who is making an offer that equals or exceeds \$25,000, certifies and agrees, that with respect to all employees of the Offeror to be employed under a contract resulting from this solicitation, it will - no later than 30 calendar days after contract award (unless a longer period is agreed to in writing), for contracts of 30 calendar days or more performance duration: or as soon as possible for contracts of less than 30 calendar days performance duration, but in any case, by a date prior to when performance is expected to be completed:

- K.1.2.1** Publish a statement notifying such employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

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- K.1.2.2** Establish an ongoing drug-free awareness program to inform such employees about the following:
- (i) The dangers of drug abuse in the workplace;
  - (ii) The Contractor's policy of maintaining a drug-free workplace;
  - (iii) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- K.1.2.3** Provide all employees engaged in performance of the contract with a copy of the statement required by subparagraph K.1.2.1 of this provision;
- K.1.2.4** Notify such employees in writing in the statement required by subparagraph K.1.2.1 of this provision that, as a condition of continued employment on the contract resulting from this solicitation, the employee will:
- (i) Abide by the terms of the statement; and
  - (ii) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 calendar days after such conviction;
- K.1.2.5** Notify the Contracting Officer in writing within 10 calendar days after receiving notice under subdivision K.1.2.4 (ii) of this provision, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee; and
- K.1.2.6** Within 30 calendar days after receiving notice under subdivision K.1.2.4 (ii) of this provision of a conviction, takes one of the following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace:
- (i) Take appropriate personnel action against such employee, up to and including termination; or
  - (ii) Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

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**K.1.2.7** Make a good faith effort to maintain a drug-free workplace through implementation of subparagraphs K.1.2.1 through K.1.2.6 of this provision.

**K.1.3** By submission of its offer, the Offeror, if an individual who is making an offer of any dollar value, certifies and agrees that the Offeror will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the performance of the contract resulting from this solicitation.

**K.1.4** Failure of the Offeror to provide the certification required by paragraphs K.1.2 through K.1.3 of this provision, renders the Offeror unqualified and ineligible for award.

**K.1.5** In addition to other remedies available to the Government, the certification in paragraphs K.1.2 through K.1.3 of this provision concerns a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

**K.1.6 CERTIFICATION REGARDING A DRUG-FREE WORKPLACE**

\_\_\_\_\_  
Authorized Contractor Personnel (Print Name) Title

\_\_\_\_\_  
Signature of Authorized Contractor Personnel Date

**K.2 TAX CERTIFICATION**

Each Offeror must submit with its offer, a sworn Tax Certification Affidavit incorporated herein as Attachment J.5.

**K.3 AUTHORIZED NEGOTIATORS**

The Offeror represents that the following persons are authorized to negotiate on its behalf with the District in connection with this request for proposals: (list names, titles, and telephone numbers of the authorized negotiators).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**K.4 TYPE OF BUSINESS ORGANIZATION**

**K.4.1** The Offeror, by checking the applicable box, represents that  
(a) It operates as:

\_\_\_\_\_ a corporation incorporated under the laws of the State of  
\_\_\_\_\_

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\_\_\_\_\_ an individual,

\_\_\_\_\_ a partnership

\_\_\_\_\_ a nonprofit organization, or

\_\_\_\_\_ a joint venture; or

(b) If the Offeror is a foreign entity, it operates as:

\_\_\_\_\_ an individual

\_\_\_\_\_ a joint venture, or

\_\_\_\_\_ a corporation registered for business in \_\_\_\_\_  
(Country)

## **K.5 EMPLOYMENT AGREEMENT**

For all offers over \$100,000, except for those in which the Offeror is located outside the Washington Metropolitan Area and will perform no work in the Washington Metropolitan Area, the following certification is required (see Clause 28 of the Standard Contract Provisions). The Offeror recognizes that one of the primary goals of the District government is the creation of job opportunities for bona fide District residents.

Accordingly, the Offeror agrees to pursue the District's following goals for utilization of bona fide residents of the District of Columbia with respect to this contract and in compliance with Mayor's Order 83-265 and implementing instructions: (1) at least 51% of all jobs created as a result of this contract are to be performed by employees who are residents of the District of Columbia; and (2) at least 51% of apprentices and trainees shall be residents of the District of Columbia registered in programs approved by the D.C. Apprenticeship Council. The Offeror also agrees to notify all perspective subcontractors, prior to execution of any contractual agreements, that the subcontractors are expected to implement Mayor's Order 83-265 in their own employment practices. The Offeror understands and will comply with the requirements of The Volunteer Apprenticeship Act of 1978, D.C. Code sec. 36-401 et seq., and the First Source Employment Agreement Act of 1984, D.C. Code sec. 1-1161 et seq.

The Offeror certifies that it intends to enter into a First Source Employment Agreement with the District of Columbia Department of Employment Services (DOES). Under this First Source Employment Agreement, the Offeror will use DOES as the first source for recruitment and referral of any new employees. The Offeror shall negotiate the First Source Employment Agreement directly with DOES. Nothing in this certification or the First Source Employment Agreement shall be construed as requiring the Offeror to hire or train persons it does not consider qualified based on standards the Offeror applies to all job applicants.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

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**K.6 CERTIFICATION AS TO COMPLIANCE WITH EQUAL OPPORTUNITY OBLIGATIONS**

The Office of Human Rights' regulations, Chapter 11, "Compliance with Equal Employment Opportunity Requirements in Contracts", promulgated August 15, 1986 (4 DCMR Chapter 11, 33 DCR 4952) is included as a part of this solicitation and requires the following certification for contracts subject to the order. Failure to complete the certification may result in rejection of the Offeror for a contract subject to the order. I hereby certify that I am fully aware of the content of the Mayor's Order 85-85 and the Office of Human Rights' regulations, Chapter 11, and agree to comply with them in performance of this contract.

Offeror \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_

Offeror \_\_\_\_ has \_\_\_\_ has not participated in a previous contract or subcontract subject to the Mayor's Order 85-85. Offeror \_\_\_\_ has \_\_\_\_ has not filed all required compliance reports, and representations indicating submission of required reports signed by proposed subofferors. (The above representations need not be submitted in connection with contracts or subcontracts, which are exempt from the Mayor's Order.)

**K.7 WALSH-HEALY ACT**

If this contract is for the manufacture or furnishing of materials, supplies, articles or equipment in an amount that exceeds or may exceed \$10,000, and is subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35-45), the following terms and conditions apply:

- (a) All representations and stipulations required by the Act and regulations issued by the Secretary of Labor (41 CFR Chapter 50) are incorporated by reference. These representations and stipulations are subject to all applicable rulings and interpretations of the Secretary of Labor that are now, or may hereafter, be in effect.
- (b) All employees whose work relates to this contract shall be paid not less than the minimum wage prescribed by regulations issued by the Secretary of Labor (41 CFR 50-202.2). Learners, student learners, apprentices, and handicapped workers may be employed at less than the

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- (c) prescribed minimum wage (see 41 CFR 50-202.3) to the same extent that such employment is permitted under Section 14 of the Fair Labor Standards Act (41 U.S.C. 40).

If your offer is \$10,000, or more, the following information **MUST** be furnished:

- (c) Regular Dealer

\_\_\_\_\_ The Offeror is a Regular Dealer.

\_\_\_\_\_ The Offeror is not a Regular Dealer.

- (d) Manufacturer

\_\_\_\_\_ The Offeror is a Manufacturer.

\_\_\_\_\_ The Offeror is not a Manufacturer.

**K.8 BUY AMERICAN CERTIFICATION**

The Offeror hereby certifies that each end product, except the end products listed below, is a domestic end product (as defined in Clause 29 of the Standard Contract Provisions, "Buy American Act"), and that components of unknown origin are considered to have been mined, produced, or manufactured outside the United States.

_____	EXCLUDED END PRODUCTS
_____	COUNTRY OF ORIGIN

**K.9 OFFICERS NOT TO BENEFIT CERTIFICATION**

Each Offeror shall check one of the following:

\_\_\_\_\_ No person listed in Clause 17 of the Standard Contract Provisions will benefit from this contract.

\_\_\_\_\_ The following person(s) listed in Clause 17 may benefit from this contract. For each person listed, attach the affidavit required by Clause 17 of the Standard Contract Provisions.

\_\_\_\_\_  
\_\_\_\_\_

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**K.10 CERTIFICATION OF INDEPENDENT PRICE DETERMINATION**

- (a) Each signature of the Offeror is considered to be a certification by the signatory in accordance with D.C. Official Code § 2-3-3.16 that:
- 1) The prices in this Contract have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any Offeror or competitor relating to:
    - (i) those prices
    - (ii) the intention to submit a Contract, or
    - (iii) the methods or factors used to calculate the prices in the Contract;
  - 2) The prices in this Contract have not been and will not be knowingly disclosed by the Offeror, directly or indirectly, to any other Offeror or competitor before Contract opening unless otherwise required by law; and
  - 3) No attempt has been made or will be made by the Offeror to induce any other concern to submit or not to submit a Contract for the purpose of restricting competition.
- (b) Each signature on the offer is considered to be a certification by the signatory that the signatory;
- 1) Is the person in the Offeror's organization responsible for determining the prices being offered in this Contract, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or
  - 2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above:  

---

(insert full name of person(s) in the organization responsible for determining the prices offered in this Contract and the title of his or her position in the Offeror's organization);

    - (ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(I) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and



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- (iii) As an agent, has not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above.
- (b) If the Offeror deletes or modifies subparagraph (a)(2) above, the Offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

**\*\*\*\*END OF SECTION K\*\*\*\***

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**PART IV – REPRESENTATIONS AND INSTRUCTIONS**

**SECTION L**

**INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS**

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**SECTION L - INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS**

**L.1 CONTRACT AWARD**

**L.1.1 Contract Awards and Selections**

The District anticipates awarding Agreements(s) resulting from this solicitation to the responsible Offerors whose offers conform to the Solicitation and are evaluated to be the best value to the District considering price, technical and other factors, specified elsewhere in this Solicitation. The number of contracts awarded will be based on the receipt of proposals evaluated and determined to be the most advantageous to the District utilizing the evaluation criteria set forth in Section M. Offerors may propose any or all of the Contract Line Items specified in Section B of the Solicitation. The District anticipates awarding contracts up to the maximum quantity specified in this Solicitation.

**L.1.1.1** The District may award contracts up to the maximum quantity specified by each Contract Line Item set forth in Section B of the Solicitation. The contracts will be awarded based on the Offerors whose proposals are deemed to score the highest combined score for price, technical, past performance and other factors, specified in the Solicitation. The District will select Offerors based on evaluation of the proposals until the District's maximum quantity for each Contract Line Item has been met by proposals meeting the District's requirements. Offeror's shall propose for any Contract Line Item as set forth in Section B Price Schedule and Paragraph L.1.2.2 below. The Offeror's proposals will be evaluated separately and independently by a technical and price evaluation team who will score the proposals in accordance with the evaluation criteria set forth in the Solicitation. Based on the evaluation, proposals will be ranked considering the highest combined score of technical, price, past performance and other factors specified in the Solicitation.

**L.1.2.2** The Offerors shall be required to propose the no less than the minimum quantity/slots and no more than the maximum quantity/slots for Transportation Services as specified in Section B the Price Schedule and stated below:

Base Period: Date of Award to 8/8/04 (for pricing purposes the start date will be 3/1/04):

<u>Item No.</u>	<u>Service</u>	<u>Maximum Quantity</u>
0001A	Transportation services	100 trips x 100 days round trips
0002A	Transportation services	100 trips x 100 days one way trips
0003	Transportation services	100 trips x 100 days Group rate

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Option Period 1: 8/15/04 to 8/08/05

<u>Item No.</u>	<u>Service</u>	<u>Maximum Quantity</u>
0001	Transportation services	100 trips x 225 days Round trip
0002	Transportation services	100 trips x 225 days One way
0003	Transportation services	100 trips x 225 days Group rate

Option Period 2: 8/15/05 to 8/8/06

<u>Item No.</u>	<u>Service</u>	<u>Maximum Quantity</u>
0001	Transportation services	100 trips x 225 days Round trip
0002	Transportation services	100 trips x 225 days One way
0003	Transportation services	100 trips x 225 days Group rate

Option Period 3: 8/15/06 to 8/8/07

<u>Item No.</u>	<u>Service</u>	<u>Maximum Quantity</u>
0001	Transportation services	100 trips x 225 days Round trip
0002	Transportation services	100 trips x 225 days One way
0003	Transportation services	100 trips x 225 days Group rate

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Option Period 4: 8/15/07 to 8/8/08

<u>Item No.</u>	<u>Service</u>	<u>Maximum Quantity</u>
0001	Transportation services	100 trips x 225 days Round trip
0002	Transportation services	100 trips x 225 days One way
0003	Transportation services	100 trips x 225 days Group rate

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**L.1.2.3 Initial Offers**

The District may award contracts on the basis of initial offers received, without discussion. Therefore, each initial offer should contain the Offerors best terms from a standpoint of price, technical and other factors.

**L.2 PROPOSAL FORM, ORGANIZATION AND CONTENT**

One original and twelve (12) copies of the written proposals shall be submitted in two parts, titled "Management / Technical Proposal" and "Price Proposal". Proposals shall be typewritten in 12 point font size on 8.5" by 11" bond paper. Telephonic and telegraphic proposals will not be accepted. Each proposal shall be submitted in a sealed envelope conspicuously marked: "Proposal in Response to Solicitation No. **CFSA-04-R-0003, Transportation Services Child and Family Services Agency, Title and name of offeror)**".

Offerors are directed to the specific proposal evaluation criteria found in Section M of this solicitation, **EVALUATION FACTORS FOR AWARD**. The Offeror shall respond to each factor in a way that will allow the District to evaluate the Offerors

response. The offeror shall submit information in a clear, concise, factual and logical manner providing a comprehensive description of program services and service delivery. The information requested below for the technical proposal shall facilitate evaluation and best value source selection for all proposals. The technical proposal must contain sufficient detail to provide a clear and concise representation of the requirements in the statement of work.

**L.2.1** The Offerors proposal shall consist of three sections. All three sections must be submitted to be responsive to this RFP:

**L.2.1.1 Cover Letter** containing the following information:

**L.2.1.2.1** Name of person(s) authorized to represent the Offeror in any negotiations and to sign any Contract resulting from the RFP.

**L.2.1.2.2** Location of business office and service facilities.

**L.2.1.2.3** Name and address of corporate officers or partners and/or a current organizational chart.

**L.2.1.2.4** The remittance address for all contract payments if a contract is awarded.

**L.2.1.2.5 Executive Summary:** The Offeror shall submit an executive summary that briefly reviews the strengths of the Offeror and key features of its proposed approach to meet the requirements of the RFP(s).

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**L.2.1.2.6 Management Proposal:** The Offeror shall submit a management proposal that indicates how the Offeror will meet CFSA Transportation needs as indicated in the RFP.

**L.2.1.2.7 Technical Proposal:** The Offeror shall submit a separate Technical Proposal. The Technical Proposal shall address the requirements set forth in Section C for each line item:

**L.2.1.2.8 Past Performance/Experience** - The Offeror must provide a reference list for a minimum of four (4) government agencies for which it has previously provide Transportation services. The reference information shall include the name, title, phone number, fax number, and e-mail address of the Program Manager of the government agency. In addition, the Offeror shall provide the period of performance, the number of children served and a description of the services provided. CFSA shall have the right to contact the references along with any other reference that it may find regarding the Offeror.

**L.2.1.2.9 Price Proposal:**

**L.2.1.3.0** The Offeror's price proposal shall provide unit rates per child per day for the following periods:

Base Period:	March 1, 2004 through August 8, 2004
Option Period 1:	August 15, 2004 through August 8, 2005
Option Period 2:	August 15, 2005 through August 8, 2006
Option Period 3:	August 15, 2006 through August 8, 2007
Option Period 4:	August 15, 2007 through August 8, 2008

**L.2.1.3.1** The Offeror shall provide Certified Cost and Pricing Data by completing the package attached as Attachment J.4. Cost and Pricing Data encompasses all facts of the time or price agreement that prudent buyers and sellers would reasonably expect to affect price negotiations significantly. Cost and pricing data are factual, not judgmental, and are therefore verifiable. While they do not indicate the accuracy of the prospective contractor's judgment about estimated future cost or projections, they do include the data forming the basis for that judgment. Cost and pricing data are more than historical accounting data; they are all the facts that can be reasonably expected to contribute to the soundness of estimates of future costs and to the validity of determinations of costs already incurred. They also include factors such as vendor quotations; nonrecurring costs; information on changes in production methods or purchasing volume; data supporting projections of business prospects and objectives and related operational costs; and unit cost trends, such as those associated with labor efficiency, make-or-buy decisions, estimated resources to attain business goals, and information on management decisions that could have a significant bearing on cost.

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**L.3 PROPOSAL SUBMISSION DATE AND TIME, AND LATE SUBMISSIONS, LATE MODIFICATIONS, AND LATE WITHDRAWALS**

**L.3.1 Proposal Submission**

Proposals must be submitted no later than **4:00 PM**, local time on **February 9, 2004**. Proposals, modifications to proposals, or requests for withdrawals that are received in the designated District office after the exact local time specified above, are "late" and shall be considered only if they are received before the award is made and one (1) or more of the following circumstances apply:

- a. The proposal or modification was sent by registered or certified mail not later than the fifth (5th) calendar day before the date specified for receipt of offers;
- b. The proposal or modification was sent by mail and it is determined by the Contracting Officer that the late receipt at the location specified in the solicitation was caused solely by mishandling by the District.
- c. The bid is the only bid received.

**L.3.2 Postmarks**

The only acceptable evidence to establish the date of a late proposal, late modification or late withdrawal sent either by registered or certified mail shall be a U.S. or Canadian Postal Service postmark on the wrapper or on the original receipt from the U.S. or Canadian Postal Service. If neither postmark shows a legible date, the proposal, modification or request for withdrawal shall be

deemed to have been mailed late. When the postmark shows the date but not the hour, the time is presumed to be the last minute of the date shown. If no date is shown on the postmark, the proposal shall be considered late unless the Offeror can furnish evidence from the postal authorities of timely mailing.

**L.3.3 Late Modifications**

A late modification of a successful proposal, which makes its terms more favorable to the District, shall be considered at any time it is received and may be accepted.

**L.3.4 Late Proposals**

A late proposal, late modification or late request for withdrawal of an offer that is not considered shall be held unopened, unless opened for identification, until after award and then retained with unsuccessful offers resulting from this solicitation.



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**L.4 HAND DELIVERY OR MAILING OF PROPOSALS**

The Offeror may hand deliver the proposal in response to this RFP to:

Child and Family Services Agency  
Office of Contracting and Procurement  
955 L'Enfant Plaza, SW, Suite 5200  
Washington, D. C. 20024  
Attention: Mr. Roscoe Wade, Contracts Manager  
(202) 724-7580 (direct line)  
(202) 724-5300 (main number)

**L.5 EXPLANATION TO PROSPECTIVE OFFERORS**

If a prospective Offeror has any questions relative to this solicitation, the prospective offeror shall submit the question in writing to the Contact Person, identified on page one, in writing. The prospective Offeror shall submit questions no later than 10 calendar days prior to the closing date and time indicated for this solicitation. The District will not consider any questions received less than 10 calendar days before the date set for submission of proposal. The District will furnish responses promptly to all other prospective Offerors. An amendment to the solicitation will be issued if that information is necessary in submitting offers, or if the lack of it would be prejudicial to any other prospective Offerors. Oral explanations or instructions given before the award of the contract will not be binding.

**L.6 FAILURE TO SUBMIT OFFERS**

Recipients of this solicitation not responding with an offer should not return this solicitation. Instead, they should advise the Office of Contracting and Procurement, Agency Chief Contracting Officer, Child and Family Services Agency, by letter or postcard whether they want to receive future solicitations for similar requirements. It is

also requested that such recipients advise the Agency Chief Contracting Officer, Child and Family Services Agency of the reason for not submitting a proposal in response to this SOLICITATION. If a recipient does not submit an offer and does not notify the Agency Chief Contracting Officer, Child and Family Services Agency that future solicitations are desired, the recipient's name may be removed from the applicable mailing list.

**L.7 PROPOSAL PROTESTS**

Any actual or prospective Offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract, must file with the D.C. Contract Appeals Board (Board) a protest no later than 10 business days after the basis of protest is known or should have been known, whichever is earlier. A protest based on alleged improprieties in a solicitation which are apparent prior to the time set for receipt of initial proposals shall be filed with the Board prior to bid opening or the time set for receipt of initial proposals. In procurements in which proposals are requested, alleged improprieties

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which do not exist in the initial solicitation, but which are subsequently incorporated into

this solicitation, must be protested no later than the next closing time for receipt of proposals following the incorporation. The protest shall be filed in writing, with the Contract Appeals Board, 717 14th Street, N.W., Suite 430, Washington, D.C. 20004. The aggrieved person shall also mail a copy of the protest to the Contracting Officer for the solicitation.

**L.8      SIGNING OF OFFERS**

The Contractor shall sign the offer and print or type its name on the Solicitation, Offer and Award form of this solicitation. Erasures or other changes must be initialed by the person signing the offer. Offers signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the Contracting Officer.

**L.9      UNNECESSARILY ELABORATE PROPOSALS**

Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective response to this solicitation are **not** desired and may be construed as an indication of the Offeror's lack of cost consciousness. Elaborate artwork, expensive paper and bindings, and expensive visual and other presentation aids are neither necessary nor desired

**L.10     RETENTION OF PROPOSALS**

All proposal documents will be the property of the District and retained by the District, and therefore will not be returned to the Offerors.

**L.11     PROPOSAL COSTS**

The District is not liable for any costs incurred by the Offerors' in submitting proposals in response to this solicitation.

**L.12     ACKNOWLEDGMENT OF AMENDMENTS**

The offeror shall acknowledge receipt of any amendment to this solicitation by (a) signing and returning the amendment; (b) by identifying the amendment number and date in the space provided for this purpose in Section K of the solicitation; or (c) by letter or telegram including mailgrams. The District must receive the acknowledgment by the date and time specified for receipt of offers. Offerors' failure to acknowledge an amendment may result in rejection of the offer.

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**L.13      ACCEPTANCE PERIOD**

The offeror agrees that its offer remains valid for a period of 90 days from the solicitation's closing date.

**L.14      PRE-PROPOSAL CONTRACTOR'S CONFERENCE**

There will be no pre-proposal conference for CFSA-04-R-0003

Nature of Written submissions: All technical and procedural questions are to be submitted in compliance with the requirements of the RFP. Submit your questions to Roscoe Wade Contracting Officer [rwade@cfsa-dc.org](mailto:rwade@cfsa-dc.org). Please submit all questions no later than December 19, 2003 at 4:00 p.m.

If applicable:

Impromptu questions will be permitted and spontaneous answers will be provided at the District's discretion. Verbal answers given at the pre-bid conference are only intended for general discussion and do not represent the District's final position. All oral questions must be submitted in writing following the close of the pre-bid conference but no later than five business days after the pre-bid conference in order to generate an official answer. Official answers will be provided in writing to all prospective bidders who are listed on the official bidder's list as having received a copy of the solicitation.

**L.15      BEST AND FINAL OFFERS**

If, subsequent to receiving original proposals, negotiations are conducted, all Offerors within the competitive range will be so notified and will be provided an opportunity to submit written best and final offers at the designated date and time. Best and Final Offers will be subject to Late Submissions, Late Modifications and Late Withdrawals of Proposals provision of the solicitation. After receipt of best and final offers, no

discussions will be reopened unless the Contracting Officer determines that it is clearly in the Government's best interest to do so, *e.g.*, it is clear that information available at that time is inadequate to reasonably justify Contractor selection and award based on the best and final offers received. If discussions are reopened, the Contracting Officer shall issue an additional request for best and final offers to all Offerors still within the competitive range.

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**L.16     LEGAL STATUS OF OFFEROR**

Each proposal must provide the following information:

- L.16.1**     Name, Address, Telephone Number, Federal tax identification number and DUNS Number of Offeror;
- L.16.2**     District of Columbia registration or certification, , if required by law to obtain such license. If the Offeror is a corporation or partnership and does not provide a copy of its license, registration or certification to transact  
  
business in the District of Columbia, the offer shall certify its intent to obtain the necessary license, registration or certification prior to contract award or its exemption from such requirements; and
- L.16.3**     If the Offeror is a partnership or joint venture, names of general partners or joint ventures, and copies of any joint venture or teaming agreements.
- L.16.4**     The District reserves the right to request additional information regarding the Offeror's organizational status.

**L.17     STANDARDS OF RESPONSIBILITY**

The prospective Contractor must demonstrate to the satisfaction of the District the capability in all respects to perform fully the contract requirements, therefore, the prospective Contractor must submit the documentation listed below, within five (5) days of the request by the District.

- L.17.1**     Furnish evidence of adequate financial resources, credit or the ability to obtain such resources as required during the performance of the contract.
- L.17.2**     Furnish evidence of the ability to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments.
- L.17.3**     Furnish evidence of the necessary organization, experience, accounting and operational control, technical skills or the ability to obtain them.
- L.17.4**     Furnish evidence of compliance with the applicable District licensing, tax laws and regulations.
- L.17.5**     Furnish evidence of a satisfactory performance record, and satisfactory record of integrity and business ethics.
- L.17.6**     Furnish evidence of the necessary production, construction and technical equipment and facilities or the ability to obtain them.

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- L.17.7** If the prospective Contractor fails to supply the information requested, the Contracting Officer shall make the determination of responsibility or non-responsibility based upon available information. If the available information is insufficient to make a determination of responsibility, the Contracting Officer shall determine the prospective Contractor to be non-responsible.

**L.18 FAMILIARIZATION WITH CONDITIONS**

Contractors shall thoroughly familiarize themselves with the terms and conditions of this solicitation, acquainting themselves with all available information regarding difficulties which may be encountered and the conditions under which the work is to be accomplished. Contractors will not be relieved from assuming all responsibility for

properly estimating the difficulties and the cost of performing the services required herein due to their failure to investigate the conditions or to become acquainted with all information, schedules and liability concerning the services to be performed.

**L.19 OFFERS SUBMISSION OF CERTIFICATION**

Any vendor seeking to submit a bid or proposal as a small business enterprise (SBE) in response to this solicitation must submit one of the following at the time of, as part of its bid or proposal:

- a. A copy of the SBE letter of certification from the Local Business Opportunity Commission (LBOC); or
- b. A copy of the sworn notarized Self-Certification Form prescribed by the LBOC along with an acknowledgement letter issued by the Director of the LBOC.
- c. Bids or proposals from vendors that are not certified as small business enterprises through one of the means described in subparagraphs (a) or (b) of this clause will not be considered. Bidders or Offerors must submit the required evidence of certification or self-certification at the time of submission of bids or proposals.

Attachment J.6 contains the Self-Certification Package.

In order to be eligible to submit a bid or proposal, or to receive any preferences under this solicitation, any vendor seeking self-certification must complete and submit the forms to:

Office of Local Business Development  
ATTN: LSDBE Certification Program  
441 Fourth Street, N.W., Suite 970N  
Washington, DC 20001

All vendors are encouraged to contact the Local, Small and Disadvantaged Business Enterprises Certification Program at (202) 727-3900 if additional information is required on certification procedures and requirements.

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**L 19.1 Penalties for Misrepresentation**

Any material misrepresentation on the sworn notarized self-certification form could result in termination of the contract, the contractor's liability for civil and criminal action in accordance with the Act, and other District laws, including debarment.

**L.19.2 SBE Joint Ventures**

A joint venture between a small business enterprise (as defined under Section 2(6) of the Act and implementing regulations) and another entity shall be eligible to submit a bid or proposal in response to this SBE set-aside solicitation if the joint venture is certified by the LBOC under the provisions of 27 DCMR 817, 39 DCR 9072-9075 (December 4, 1992) or is self-certified under 27 DCMR 818, 39 DCR 9075-9076 (December 4, 1992).

The LBOC shall certify a joint venture when a SBE affiliates itself with another entity to form a joint venture for a SBE set-aside solicitation if:

- (a) The non-SBE partner demonstrates to the LBOC that its size does not exceed the size limitations set forth in the Act; or
- (b) The LBOC determines that the certification of the joint venture with an entity exceeding the size limitation of the Act would not be detrimental to the SBE set-aside program.

**\*\*\*\*END OF SECTION L\*\*\*\***

**PART IV – REPRESENTATIONS AND INSTRUCTIONS**

**SECTION M**

**EVALUATION FACTORS**

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**SECTION M - EVALUATION FACTORS**

**M.1 EVALUATION FOR AWARD**

The contract will be awarded to the responsible Offeror whose offer is most advantageous to the District, based upon the evaluation criteria specified below. Thus, while the points in the evaluation criteria indicate their relative importance, the total scores will not necessarily be determinative of the award. Rather, the total scores will guide the District in making an intelligent award decision based upon the evaluation criteria.

**M.1.1 Contract Awards and Selections**

The District anticipates awarding contract(s) resulting from this solicitation to the responsible Offerors whose offers conform to the Solicitation and are evaluated to be the best value to the District considering price, technical and other factors, specified elsewhere in this Solicitation. The number of contracts awarded will be based on the receipt of proposals evaluated and determined to be the most advantageous to the District utilizing the evaluation criteria set forth in Section M. Offerors shall propose all of the Contract Line Items specified in Section B of the Solicitation. The District anticipates awarding contracts up to the maximum quantity specified in this Solicitation. The resulting contracts will be fixed rate contracts.

**M.1.2** The District may award contracts up to the maximum quantity specified by each Contract Line Item set forth in Section B of the Solicitation. The contracts will be awarded based on the Offerors whose proposals are deemed to score the highest combined score for price, technical, past performance and other factors, specified in the Solicitation. The District will select Offerors based on best value evaluation of the proposals. The Offeror's proposals will be evaluated separately and independently by a technical and price evaluation team who will score the proposals in accordance with the evaluation criteria set forth in the Solicitation. Based on the evaluation, proposals will be ranked considering the highest combined score of technical, price, past performance and other factors specified in the Solicitation. The Offeror with the highest ranking score will be presumed to be awarded a contract.



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**M.2 TECHNICAL RATING**

The Technical Rating Scale is as follows:

<b><u>Numeric Rating</u></b>	<b><u>Adjective</u></b>	<b><u>Description</u></b>
1	Unacceptable	Fails to meet minimum requirements; major deficiencies which are not correctable.
2	Poor	Marginally meets minimum requirements; significant deficiencies which may be correctable.
3	Acceptable	Meets requirements; only minor deficiencies which are correctable.
4	Good	Meets requirements; no deficiencies.
5	Excellent	Exceeds most, if not all requirements; no deficiencies.

For example, if a sub factor has a point evaluation of 1 to 5 points, and (using the Technical Rating Scale) the District evaluates as "good" the part of the proposal applicable to the sub factor, the score for the sub factor is 4.5 (3/4 of 6). The sub factor scores will be added together to determine the score for the factor level.

**M.3 EVALUATION CRITERIA**

Selection of Offerors for contract awards will be based on an evaluation of proposals against the following factors:

**M.3.1 MANAGEMENT/TECHNICAL CRITERIA ( 50 Points)**

Sub-Factor 1: DOT regulations Compliance with all Federal, State, District or municipal requirements. Equipment, insurance, and licenses  
**(Section C-4)**

Sub-Factor 2: Personnel: Escort aides should have sufficient training, CPR, Records of each employee, criminal background check, valid drivers license.

**M.3.2 PAST PERFORMANCE CRITERIA (20 Points)**

Past Performance Rating – The Offeror must provide a reference for a minimum of four clients for which it has previously provided transportation services. The reference information shall include the name, title, phone number, fax number, and e-mail address of the Program Manager of the government agency. In addition, the Offeror shall provide the period of performance, the number of children transported and a description of the services provided. CFSA shall have the right to contact the references along with any other reference that it may find regarding the Offeror. **(Section L.2.1 E)**

**M.3.3 PRICE CRITERIA****(30 Points)**

The price evaluation will be objective. The Offeror with the lowest unit price will receive the maximum price points. All other proposals will receive a proportionately lower total score. The following formula will be used to determine each Offeror's evaluated price score:

$$\frac{\text{Sum of the unit prices for the base period and all option years of the lowest priced offeror}}{\text{Sum of the unit prices for the base period and all option years of the offeror being evaluated}} \times 30 = \text{Evaluated Price Score}$$

CFSA will evaluate option pricing equally as base year pricing for this RFP since it is anticipated that CFSA will exercise all of the options. **(See Section L .2.1 F)**

In addition, CFSA will determine responsibility after it completes the evaluation of the proposals but before it awards the contracts.

**M.3.4 PREFERENCE****( 12 Points)****A. CLAUSES APPLICABLE TO ALL OPEN MARKET SOLICITATIONS****1. Preference for Local, Disadvantaged Businesses, Resident Business Ownerships or Business Operating in an Enterprise Zone****a. General Preferences**

Under the provisions of D.C. Law 13-169, "Equal Opportunity for Local, Small or Disadvantaged Business Enterprise Amendment Act of 2000" (the Act), the District shall apply preferences in evaluating bids or proposals from business that are local, disadvantaged, resident business ownership or located in an enterprise zone of the District of Columbia.

For evaluation purposes, the allowable preferences under the Act for this procurement are as follows:

- 1) Four percentage reduction in the bid price or the addition of four points on a 100-point scale for a local business enterprise (LBE) certified by the Local Business Opportunity Commission (LBOC);
- 2) Three percent reduction in the bid price or the addition of three points on a 100-point scale for a disadvantaged business enterprise (DBE) certified by the LBOC;
- 3) Three percent reduction in the bid price or the addition of three points on a 100-point scale for a resident business ownership (RBO), as defined in Section 2(a) (8A) of the Act, and certified by the LBOC; and

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- 4) Two percent reduction in the bid price or the addition of two points on a 100-point scale for a business located in an enterprise zone, as defined in Section 2(5) of D.C. Law 12-268 and 27 DCMR 899, 39 DCR 9087-9088 (December 4, 1992)

Any prime contractor that is a LBE certified by the LBOC will receive a four percent (4%) reduction in the bid price for a bid submitted by the LBE in response to an Invitation for Bids (IFB) or the addition of four points on a 100-point scale added to the overall score for proposals submitted by the LBE in response to a Request for Proposals (RFP)

Any prime contractor that is a DBE certified by the LBOC will receive a three percent (3%) reduction in the bid price for a bid submitted by the DBE in response to an IFB or the addition of three points on a 100-point scale added to the overall score for proposals submitted by the DBE in response to a RFP.

Any prime contractor that is a RBO certified by the LBOC will receive a three percent (3%) reduction in the bid price for a bid submitted by the RBO in response to an IFB or the addition of three points on a 100 point scale added to the overall score for proposals submitted by the RBO in response to a RFP.

Any prime contractor that is a business enterprise located in an enterprise zone will receive a two percent (2%) reduction in the bid price for a bid submitted by such business enterprise in response to an IFB or the addition of two points on a 100-point scale added to the overall score for proposals submitted by the RBO in response to a RFP.

**b. Preference for Subcontracting in Open Market Solicitations with No LBE, DBE, RBO Subcontracting Set-Aside**

The preferences for subcontracting in open market solicitations where there is no LBD, DBE or RBO subcontracting set-aside are as follows:

- 1) If the prime contractor is not a certified LBE, certified DBE, certified RBO or a business located in an enterprise zone, the District will award the above-stated preferences by reducing the bid price or by increasing the points proportionally based on the total dollar value of the bid or proposal that is designated by the prime contractor for subcontracting with a certified LBE, DBE, RBO or business located in an enterprise zone.
- 2) If the prime contractor is a joint venture that is not a certified LBE, certified DBE, or certified RBO joint venture, or if the prime contractor is joint venture that includes a business in an enterprise zone but such business located in an enterprise zone does not own and control at least 51% of the joint venture, the District will award the above-stated preferences by reducing the bid price or by increasing the points proportionally in the proposal based on the total dollar value of the bid or proposal that is designated by the prime contractor for a certified LBE, DBE, RBO or business located in an enterprise zone for participation in the joint venture.

For Example:

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If a non-certified prime contractor subcontracts with a certified local business enterprise for a percentage of the work to be performed on an RFP, the calculation of the percentage points to be added during evaluation would be according to the following formula:

$$\frac{\text{Amount of Subcontract}}{\text{Amount of Contract}} \times 4* = \text{Points Awarded During Evaluation of LSDBE Subcontracting}$$

\* Note: Equivalent of four (4) points on a 100-point scale

The maximum total preference under the Act for this procurement is twelve (12%) for bids submitted in response to an IFB or the equivalent of twelve (12) points on a 100-point scale for proposals submitted in response to a RFP. Any prime contractor receiving the full bid price reduction or point addition to its overall score for a particular preference will not receive any additional bid price reduction or points for further participation on a subcontracting level for that particular preference.

However, the prime contractor will receive a further proportional bid price reduction or point addition on a different preference for participation on a subcontracting level for the different preference. For example, if a LBE prime contractor receives the four percent bid price reduction or the equivalent of four points on a 100-point scale, the LBE prime

contractor does not receive a further price reduction of additional points if such contractor proposes subcontracting with an LBE. However, if this same LBE prime contractor proposes subcontracting with a DBE, the LBE prime contractor receives a further proportional bid price reduction or point addition for the DBE participation on the subcontracting level.

#### **c. Preference for Open Market Solicitation with LBE, DBE or RBO Subcontracting Set Aside**

If the solicitation is an open market solicitation with a LBE, DBE or RBO subcontracting set-aside, the prime contractor will receive the LBE, DBE or RBO preferences only if it is a certified BLE, DBE or RBO. There shall be no preference awarded for subcontracting by the prime contractor with a LBE, DBE or RBO, even if the prime contractor proposes LBE, DBE or RBO, subcontracting above the subcontracting levels required by the solicitation.

However, the prime contractor shall be entitled to the full preference for businesses located in an enterprise zone if it is a business located in an enterprise zone or a proportional preference if the prime contractor subcontracts with a business located in an enterprise zone.

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The maximum total preference under the Act for this procurement is twelve percent (12%) for bids submitted in response to an IFB or the equivalent of twelve (12) points on a 100-point scale for proposals submitted in response to a RFP.

**d. Preferences for certified Joint Ventures Including Local or Disadvantaged Businesses or Resident Business Ownerships**

When a LBOC-certified joint venture includes a local business enterprise (LBE), disadvantaged business enterprise (DBE) or a resident business ownership (RBO), and the LBE, DBE or RBO owns and controls at least fifty-one (51%) of the venture, the joint venture will receive the preferences as if it were a certified LBE, DBE or RBO.

**3. Preferences for Joint Ventures Including Businesses Located Enterprise Zone**

When a joint venture includes a business located in an enterprise zone and such business located in an enterprise zone owns and controls at least fifty-one (51%) of the venture, the joint venture will receive the preference as if it were a business located in an enterprise zone.

**4. Vendor Submission for Preferences**

Any vendor seeking to receive preferences on this solicitation must submit at the time of, and as part of its bid or proposal the following documentation, as applicable to the preference being sought;

a. Evidence of the vendor's, subcontractor's, or joint venture partner's certification or self certification as LBE, DBE or RBO, to include either:

- 1) A copy of all relevant letters of certification from the LBOC or;
- 2) A copy of any sworn notarized Self-Certification Forms prescribed by LBOC, along with any acknowledgement letter issued by the Director of The LBOC. Businesses with principal offices located outside of the District must be first certified as LBEs before qualifying for self-Certification.

b. Evidence that the vendor or any subcontractor is located in an enterprise zone.

In order for a bidder or offeror to receive allowable preferences under this solicitation, the bidder or offeror must include the relevant information as described in subparagraphs (a) and (b) of this clause, as part of its bid or proposal.

In order to receive any preferences under this solicitation, any vendor seeking self-certification must complete and submit the forms to:

Office of Local Business Development  
ATTN: LSDBE Certification Program  
441 Fourth Street, N.W. Suite 970N

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Washington, DC 20001

All vendors are encouraged to contact the Local, Small and Disadvantaged Business Enterprise Certification Program at (202) 727-3900 if additional information is required on certification procedures and requirements.

**5. Penalties for Misrepresentation**

Any material misrepresentation on sworn notarized self-certification form could result in termination of the contract, the contractor's liability for civil and criminal action in accordance with the Act, D.C. Law 12-268, and other District laws, including debarment.

**6. Local, Small and Disadvantaged Business Enterprise Subcontracting**

a. When a prime contractor is certified by the Office of Local Business Development as a local, small or disadvantaged business or a resident business ownership, the prime contractor shall perform at least fifty percent of the contracting effort excluding the cost of materials, goods,, and supplies with its own organization and resources, and if it subcontracts, fifty percent (50%) of the subcontracting effort excluding the cost of materials, goods and supplies shall be with certified local, small, and disadvantaged business enterprises and resident business ownerships, unless a waiver is granted by the contracting officer, with the prior approval and consent of the Director of the LBOC under the provisions of 27 DCMR 805, 39 DCR 5578-5580 (July 24, 1992)

b. By submitting a signed bid or proposal, the prime contractor certifies that it will comply with the requirements of paragraph (a) of this clause.

**A. CLAUSES APPLICABLE TO OPEN MARKET SOLICITATIONS IN WHICH THERE WILL BE LBE, DBE OR RBO SUBCONTRACTING OR SUBCONTRACTING WITH A BUSINESS LOCATED IN AN ENTERPRISE ZONE**

**1. Subcontracting Plan**

A notarized statement detailing a subcontracting plan shall be submitted, as part of the bid or proposal, by any prime Contractor seeking a preference on the basis of proposed subcontracting with a local business enterprise (LBE), disadvantaged business enterprise (DBE), resident business ownership (RBO) or business located in an enterprise zone; and by any prime contractor responding to a solicitation in which there is a LBE, DBE or RBO subcontracting set-aside. Each subcontracting plan shall include the following:

- (a) A description of the goods and services to be provided by the LBE, DBE or RBO or business located in an enterprise zone;
- (b) If the prime contractor is seeking a preference on the basis of proposed subcontracting with a LBE, DBE, RBO or a business located in an enterprise zone, a statement of the dollar amount, by type of business enterprise, or the bid or

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proposal that is designated by the prime contractor for a LBE, DBE RBO or business located in an enterprise zone;

- (c) If the solicitation contains a LBE, DBE or RBO subcontracting set-aside, a statement of the dollar value, by type of business enterprise, of the bid or proposal that pertains to the subcontracts to be performed by the LBEs, DBEs, RBOs or business located in an enterprise zone;
- (d) The names and addresses of all proposed subcontractors who are LBEs, DBEs, RBOs or businesses located in an enterprise zone;
- (e) The name of the individual employed by the prime contractor who will administer the subcontracting plan, and a description of the duties of the individual;
- (f) A description of the efforts the prime contractor will make to ensure that LBEs, DBEs RBOs, or businesses located in an enterprise zone will have an equitable opportunity to compete for subcontracts;
- (g) In all subcontracts that offer further subcontracting opportunities, assurances that the prime contractor will include a statement, approved by the contracting officer, that the subcontractor will adopt a subcontracting plan similar to the subcontracting plan required by the contract;
- (h) Assurances that the prime contractor will cooperate in any studies or surveys that may be required by the contracting officer and submit periodic reports, as requested by the contracting officer, to allow the District to determine the extent of compliance by the prime contractor with the subcontracting plan.
- (i) List the type of records the prime contractor will maintain to demonstrate procedures adopted to comply with the requirements set forth in the subcontracting plan, and include assurances that the prime contractor will make such records available for review upon the District's request; and
- (j) A description of the prime Contractor's recent effort to locate LBEs, DBEs RBOs and businesses located in an enterprise zone and to award subcontracts to them.

2. **Liquidated Damages**

- (a) If during the performance of this contract, the contractor fails to comply with Subcontracting plan submitted in accordance with the requirements of this contract and 27 DCMR 804.9, 39DCR 5578 (July 24, 1992), and as approved by the contracting officer, the contractor shall pay to the District liquidated damages in the sum of twenty-five dollars (\$25.00) for each calendar day the contractor fails to comply with the subcontracting plan, unless the contracting officer determines that the contractor made good faith efforts to comply with the subcontracting plan in accordance with subparagraph (b) below.
- (b) Prior to assessing any liquidated damages under this provision, the contracting officer shall issue a written notice informing the contractor that it is not in compliance with the subcontracting plan and set forth the areas of non-compliance. The written notice from the contracting officer shall provide the contractor with ten (10) days from the date of receipt of the written notice to correct any areas of non-

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compliance or to demonstrate that the contractor has used good faith efforts to comply with the subcontracting plan. If the contractor fails to correct any areas of non-compliance or demonstrate good faith efforts within the ten-day period, the contracting officer shall assess liquidated damages beginning on the first day after the end of the ten-day period.

- (c) If failure to comply with the subcontracting plan is such that the contracting officer determines it to be a material breach of the contract and terminates the contract

- (d) under the Default Clause of the Standard Contract Provisions, the contractor shall be liable for aforementioned liquidated damages accruing until the time the District may reasonably obtain similar goods or services.

**M.3.5 TOTAL POINTS**

**(112 Points)**

**\*\*\*\*END OF SECTION M\*\*\*\***